



Sen. Arthur J. Wilhelmi

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09400HB0720sam002

LRB094 08076 AJ0 46053 a

1 AMENDMENT TO HOUSE BILL 720

2 AMENDMENT NO. _____. Amend House Bill 720 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Section 7-1-1 as follows:

6 (65 ILCS 5/7-1-1) (from Ch. 24, par. 7-1-1)

7 (Text of Section before amendment by P.A. 93-1098)

8 Sec. 7-1-1. Annexation of contiguous territory. Any
9 territory that is not within the corporate limits of any
10 municipality but is contiguous to a municipality may be annexed
11 to the municipality as provided in this Article. For the
12 purposes of this Article any territory to be annexed to a
13 municipality shall be considered to be contiguous to the
14 municipality notwithstanding that the territory is separated
15 from the municipality by a railroad or public utility
16 right-of-way or former railroad right-of-way that has been
17 converted to a recreational trail, but upon annexation the area
18 included within that right-of-way or former right-of-way shall
19 not be considered to be annexed to the municipality.

20 Except in counties with a population of more than 600,000
21 ~~500,000~~ but less than 3,000,000, territory which is not
22 contiguous to a municipality but is separated therefrom only by
23 a forest preserve district may be annexed to the municipality
24 pursuant to Section ~~Sections~~ 7-1-7 or 7-1-8, but only if the

1 annexing municipality can show that the forest preserve
2 district creates an artificial barrier preventing the
3 annexation and that the location of the forest preserve
4 district property prevents the orderly natural growth of the
5 annexing municipality. It shall be conclusively presumed that
6 the forest preserve district does not create an artificial
7 barrier if the property sought to be annexed is bounded on at
8 least 3 sides by (i) one or more other municipalities (other
9 than the municipality seeking annexation through the existing
10 forest preserve district), (ii) forest preserve district
11 property, or (iii) a combination of other municipalities and
12 forest preserve district property. It shall also be
13 conclusively presumed that the forest preserve district does
14 not create an artificial barrier if the municipality seeking
15 annexation is not the closest municipality to the property to
16 be annexed. The territory included within such forest preserve
17 district shall not be annexed to the municipality nor shall the
18 territory of the forest preserve district be subject to
19 rights-of-way for access or services between the parts of the
20 municipality separated by the forest preserve district without
21 the consent of the governing body of the forest preserve
22 district. The changes made to this Section by this amendatory
23 Act of 91st General Assembly are declaratory of existing law
24 and shall not be construed as a new enactment.

25 In counties that are contiguous to the Mississippi River
26 with populations of more than 200,000 but less than 255,000, a
27 municipality that is partially located in territory that is
28 wholly surrounded by the Mississippi River and a canal,
29 connected at both ends to the Mississippi River and located on
30 property owned by the United States of America, may annex
31 noncontiguous territory in the surrounded territory under
32 Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated
33 from the municipality by property owned by the United States of
34 America, but that federal property shall not be annexed without

1 the consent of the federal government.

2 For the purposes of this Article, any territory to be
3 annexed to a municipality that is located in a county with more
4 than 500,000 inhabitants shall be considered to be contiguous
5 to the municipality if only a river and a national heritage
6 corridor separate the territory from the municipality. Upon
7 annexation, no river or national heritage corridor shall be
8 considered annexed to the municipality.

9 When any land proposed to be annexed is part of any Fire
10 Protection District or of any Public Library District and the
11 annexing municipality provides fire protection or a public
12 library, as the case may be, the Trustees of each District
13 shall be notified in writing by certified or registered mail
14 before any court hearing or other action is taken for
15 annexation. The notice shall be served 10 days in advance. An
16 affidavit that service of notice has been had as provided by
17 this Section must be filed with the clerk of the court in which
18 the annexation proceedings are pending or will be instituted
19 or, when no court proceedings are involved, with the recorder
20 for the county where the land is situated. No annexation of
21 that land is effective unless service is had and the affidavit
22 filed as provided in this Section.

23 The new boundary shall extend to the far side of any
24 adjacent highway and shall include all of every highway within
25 the area annexed. These highways shall be considered to be
26 annexed even though not included in the legal description set
27 forth in the petition for annexation. When any land proposed to
28 be annexed includes any highway under the jurisdiction of any
29 township, the Township Commissioner of Highways and the Board
30 of Town Trustees shall be notified in writing by certified or
31 registered mail before any court hearing or other action is
32 taken for annexation. In the event that a municipality fails to
33 notify the Township Commissioner of Highways and the Board of
34 Town Trustees of the annexation of an area within the township,

1 the municipality shall reimburse that township for any loss or
2 liability caused by the failure to give notice. If any
3 municipality has annexed any area before October 1, 1975, and
4 the legal description in the petition for annexation did not
5 include the entire adjacent highway, any such annexation shall
6 be valid and any highway adjacent to the area annexed shall be
7 considered to be annexed notwithstanding the failure of the
8 petition to annex to include the description of the entire
9 adjacent highway.

10 Any annexation, disconnection and annexation, or
11 disconnection under this Article of any territory must be
12 reported by certified or registered mail by the corporate
13 authority initiating the action to the election authorities
14 having jurisdiction in the territory and the post office
15 branches serving the territory within 30 days of the
16 annexation, disconnection and annexation, or disconnection.

17 Failure to give notice to the required election authorities
18 or post office branches will not invalidate the annexation or
19 disconnection. For purposes of this Section "election
20 authorities" means the county clerk where the clerk acts as the
21 clerk of elections or the clerk of the election commission
22 having jurisdiction.

23 No annexation, disconnection and annexation, or
24 disconnection under this Article of territory having electors
25 residing therein made (1) before any primary election to be
26 held within the municipality affected thereby and after the
27 time for filing petitions as a candidate for nomination to any
28 office to be chosen at the primary election or (2) within 60
29 days before any general election to be held within the
30 municipality shall be effective until the day after the date of
31 the primary or general election, as the case may be.

32 For the purpose of this Section, a toll highway or
33 connection between parcels via an overpass bridge over a toll
34 highway shall not be considered a deterrent to the definition

1 of contiguous territory.

2 When territory is proposed to be annexed by court order
3 under this Article, the corporate authorities or petitioners
4 initiating the action shall notify each person who pays real
5 estate taxes on property within that territory unless the
6 person is a petitioner. The notice shall be served by certified
7 or registered mail, return receipt requested, at least 20 days
8 before a court hearing or other court action. If the person who
9 pays real estate taxes on the property is not the owner of
10 record, then the payor shall notify the owner of record of the
11 proposed annexation.

12 (Source: P.A. 90-14, eff. 7-1-97; 91-824, eff. 6-13-00.)

13 (Text of Section after amendment by P.A. 93-1098)

14 Sec. 7-1-1. Annexation of contiguous territory. Any
15 territory that is not within the corporate limits of any
16 municipality but is contiguous to a municipality may be annexed
17 to the municipality as provided in this Article. For the
18 purposes of this Article any territory to be annexed to a
19 municipality shall be considered to be contiguous to the
20 municipality notwithstanding that the territory is separated
21 from the municipality by a strip parcel, ~~or~~ railroad or public
22 utility right-of-way, or former railroad right-of-way that has
23 been converted to a recreational trail, but upon annexation the
24 area included within that strip parcel, ~~or~~ right-of-way, or
25 former right-of-way shall not be considered to be annexed to
26 the municipality. For purposes of this Section, "strip parcel"
27 means a separation no wider than 30 feet between the territory
28 to be annexed and the municipal boundary.

29 Except in counties with a population of more than 600,000
30 ~~500,000~~ but less than 3,000,000, territory which is not
31 contiguous to a municipality but is separated therefrom only by
32 a forest preserve district or open land or open space that is
33 part of an open space program, as defined in Section 115-5 of

1 the Township Code, may be annexed to the municipality pursuant
2 to Section ~~Sections~~ 7-1-7 or 7-1-8, but only if the annexing
3 municipality can show that the forest preserve district, open
4 land, or open space creates an artificial barrier preventing
5 the annexation and that the location of the forest preserve
6 district, open land, or open space property prevents the
7 orderly natural growth of the annexing municipality. It shall
8 be conclusively presumed that the forest preserve district,
9 open land, or open space does not create an artificial barrier
10 if the property sought to be annexed is bounded on at least 3
11 sides by (i) one or more other municipalities (other than the
12 municipality seeking annexation through the existing forest
13 preserve district, open land, or open space), (ii) forest
14 preserve district property, open land, or open space, or (iii)
15 a combination of other municipalities and forest preserve
16 district property, open land, or open space. It shall also be
17 conclusively presumed that the forest preserve district, open
18 land, or open space does not create an artificial barrier if
19 the municipality seeking annexation is not the closest
20 municipality to the property to be annexed. The territory
21 included within such forest preserve district, open land, or
22 open space shall not be annexed to the municipality nor shall
23 the territory of the forest preserve district, open land, or
24 open space be subject to rights-of-way for access or services
25 between the parts of the municipality separated by the forest
26 preserve district, open land, or open space without the consent
27 of the governing body of the forest preserve district. The
28 changes made to this Section by this amendatory Act of 91st
29 General Assembly are declaratory of existing law and shall not
30 be construed as a new enactment.

31 In counties that are contiguous to the Mississippi River
32 with populations of more than 200,000 but less than 255,000, a
33 municipality that is partially located in territory that is
34 wholly surrounded by the Mississippi River and a canal,

1 connected at both ends to the Mississippi River and located on
2 property owned by the United States of America, may annex
3 noncontiguous territory in the surrounded territory under
4 Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated
5 from the municipality by property owned by the United States of
6 America, but that federal property shall not be annexed without
7 the consent of the federal government.

8 For the purposes of this Article, any territory to be
9 annexed to a municipality that is located in a county with more
10 than 500,000 inhabitants shall be considered to be contiguous
11 to the municipality if only a river and a national heritage
12 corridor separate the territory from the municipality. Upon
13 annexation, no river or national heritage corridor shall be
14 considered annexed to the municipality.

15 When any land proposed to be annexed is part of any Fire
16 Protection District or of any Public Library District and the
17 annexing municipality provides fire protection or a public
18 library, as the case may be, the Trustees of each District
19 shall be notified in writing by certified or registered mail
20 before any court hearing or other action is taken for
21 annexation. The notice shall be served 10 days in advance. An
22 affidavit that service of notice has been had as provided by
23 this Section must be filed with the clerk of the court in which
24 the annexation proceedings are pending or will be instituted
25 or, when no court proceedings are involved, with the recorder
26 for the county where the land is situated. No annexation of
27 that land is effective unless service is had and the affidavit
28 filed as provided in this Section.

29 The new boundary shall extend to the far side of any
30 adjacent highway and shall include all of every highway within
31 the area annexed. These highways shall be considered to be
32 annexed even though not included in the legal description set
33 forth in the petition for annexation. When any land proposed to
34 be annexed includes any highway under the jurisdiction of any

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2 of Town Trustees shall be notified in writing by certified or
3 registered mail before any court hearing or other action is
4 taken for annexation. In the event that a municipality fails to
5 notify the Township Commissioner of Highways and the Board of
6 Town Trustees of the annexation of an area within the township,
7 the municipality shall reimburse that township for any loss or
8 liability caused by the failure to give notice. If any
9 municipality has annexed any area before October 1, 1975, and
10 the legal description in the petition for annexation did not
11 include the entire adjacent highway, any such annexation shall
12 be valid and any highway adjacent to the area annexed shall be
13 considered to be annexed notwithstanding the failure of the
14 petition to annex to include the description of the entire
15 adjacent highway.

16 Any annexation, disconnection and annexation, or
17 disconnection under this Article of any territory must be
18 reported by certified or registered mail by the corporate
19 authority initiating the action to the election authorities
20 having jurisdiction in the territory and the post office
21 branches serving the territory within 30 days of the
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24 or post office branches will not invalidate the annexation or
25 disconnection. For purposes of this Section "election
26 authorities" means the county clerk where the clerk acts as the
27 clerk of elections or the clerk of the election commission
28 having jurisdiction.

29 No annexation, disconnection and annexation, or
30 disconnection under this Article of territory having electors
31 residing therein made (1) before any primary election to be
32 held within the municipality affected thereby and after the
33 time for filing petitions as a candidate for nomination to any
34 office to be chosen at the primary election or (2) within 60

1 days before any general election to be held within the
2 municipality shall be effective until the day after the date of
3 the primary or general election, as the case may be.

4 For the purpose of this Section, a toll highway or
5 connection between parcels via an overpass bridge over a toll
6 highway shall not be considered a deterrent to the definition
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8 When territory is proposed to be annexed by court order
9 under this Article, the corporate authorities or petitioners
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11 estate taxes on property within that territory unless the
12 person is a petitioner. The notice shall be served by certified
13 or registered mail, return receipt requested, at least 20 days
14 before a court hearing or other court action. If the person who
15 pays real estate taxes on the property is not the owner of
16 record, then the payor shall notify the owner of record of the
17 proposed annexation.

18 (Source: P.A. 93-1098, eff. 1-1-06.)

19 Section 95. No acceleration or delay. Where this Act makes
20 changes in a statute that is represented in this Act by text
21 that is not yet or no longer in effect (for example, a Section
22 represented by multiple versions), the use of that text does
23 not accelerate or delay the taking effect of (i) the changes
24 made by this Act or (ii) provisions derived from any other
25 Public Act."